

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARK TEMPLETON,	Civ. No. 05-773-CO
Petitioner,	Order
v.	
STATE OF OREGON,	
Respondent.	

Magistrate Judge John P. Cooney filed Findings and Recommendation on February 22, 2006 in the above entitled case. The matter is now before the court pursuant to 28 U.S.C. § 636(b) (1) (B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b) (1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Petitioner timely filed objections. The court has,

therefore, given de novo review of Judge Cooney's rulings.

After review, the court adopts the Findings and Recommendation [#30] filed February 22, 2006 in its entirety. Petitioner's submissions do not establish that no reasonable juror could conclude beyond a reasonable doubt from all the evidence that petitioner is not guilty of the crimes of conviction. The untimely amended petition [#6] is therefore dismissed with prejudice.

IT IS SO ORDERED.

DATED this 28<sup>th</sup> day of April, 2006.

s/ Michael R. Hogan  
UNITED STATES DISTRICT JUDGE